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Paper No. 18

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Austin, TX 78767-0398

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**FEB 02 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Bruce Mihura :  
Application No. 09/134,799 :  
Filed: August 14, 1998 :  
Attorney Docket No. 5399-00100 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

As to item (1), There is no indication that a reply to the non-final Office action mailed May 7, 2001 has been submitted. The required reply to a non-final is limited to an argument or amendment under 37 CFR 1.111, a continuation application or a Request for Reconsideration. See MPEP 711.03.

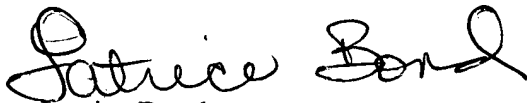
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
PO Box 1450  
Arlington, VA 22313-1450

By facsimile: (703) 872-6906  
Attn: Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
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Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Non-Final Office action